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10 *Attorneys for Plaintiff*

11 LAURI VALJAKKA

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15
16 **LAURI VALJAKKA,**

17 Plaintiff,

18 v.

19 **NETFLIX, INC.,**

20 Defendant.
21

Case No. 4:22-cv-01490-JST

**MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFF LAURI VALJAKKA**

Hearing date: February 29, 2024

Time: 2:00 p.m.

Judge: Hon. Jon S. Tigar

Courtroom 6 – 2nd Floor

NOTICE OF MOTION TO WITHDRAW AS COUNSEL

TO THE PARTIES AND ALL ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 29, 2024 at 2:00 PM, or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable Jon S. Tigar, 1301 Clay Street, Oakland, CA 94612, Susan S.Q. Kalra and Willaim P. Ramey, III of Ramey LLP (“Ramey”) shall and hereby respectfully seeks leave of this Court, pursuant to LOCAL R. 11-5(a) and in compliance with CAL. R. PROF. CONDUCT 1.16, to withdraw as counsel for Plaintiff Lauri Valjakka (“Valjakka”).

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Civil Local Rule 11-5 and Rule 1.16 of the California Rules of Professional Conduct, Ramey seeks an order permitting its withdrawal as counsel for Plaintiff on the following grounds:

1. On September 13, 2021, Plaintiff Lauri Valjakka, filed a patent infringement lawsuit against Netflix, Inc. in the United States District Court for the Western District of Texas.
2. On December 13, 2021, Netflix filed a Motion to Dismiss for Improper Venue, or In the Alternative, Transfer to the Northern District of California (ECF 13).
3. On March 3, 2022 the parties file a Joint Motion to Transfer to the Northern District of California (ECF 16).
4. On March 8, 2022, Judge Alan D Albright signed the Order granting the Joint Motion to Transfer Venue (ECF 17), and the case was transferred to the Northern District of California on March 9, 2022 (ECF 18).
5. The case was assigned to Judge Virginia K. Demarchi, who recused herself on March 10, 2022 (ECF 20).

1 6. The case was eventually reassigned to this Court on March 24, 2022 (ECF 25).

2 7. On January 12, 2024, Ramey informed the client that Ramey would be filing a
3 motion to withdraw as counsel. See ¶ 3, Declaration of William P. Ramey, III (“Ramey Decl.”)
4 filed herewith.

5 8. Ramey makes this motion pursuant to Civil Local Rule 11-5(a) and in compliance
6 with California Rules of Professional Conduct 1.16 section (b)(4).
7

8 9. Ramey is seeking withdrawal due to, among other reasons, irreconcilable
9 differences in strategy between Ramey and Valjakka, such that it will be extremely difficult for
10 Ramey to meaningfully represent Valjakka effectively. Further, Ramey LLP is not being
11 compensated for its services on this matter after AiPi LLC quit funding the lawsuit. The lack of
12 compensation is a financial burden that makes it difficult for the Firm to operate. Ramey LLP
13 only assumed representation because AiPi LLC guaranteed payment. See Ramey Decl., ¶ 4.
14

15 10. Ramey respectfully requests that it be permitted to withdraw as counsel for
16 Valjakka. By the time this matter can be heard, Valjakka will have had more than 30 days to
17 obtain new counsel to represent it in this case. As Mr. Valjakka is an individual, he can represent
18 himself if he chooses. See Ramey Decl., ¶ 5.

19 11. On January 12, 2024, Ramey informed Netflix’s counsel, Elise Edlin of Perkins
20 Coie, in writing, that it would file a motion to withdraw. Netflix’s counsel responded that Netflix
21 opposes Ramey’s withdrawal. See Ramey Decl., ¶ 3.
22

23 **II. ARGUMENT**

24 Withdrawal is governed by the California Rules of Professional Conduct. *See Nehad v.*
25 *Mukasey*, 535 F.3d 962, 970 (9th Cir. 2008); *Zhang v. Parfet*, No. 16-CV-04333-LHK, 2017 U.S.
26 Dist. LEXIS 68579, at *4 (N.D. Cal. May 4, 2017). California Rule of Professional Conduct 1.16
27

1 sets forth several grounds under which an attorney may request permission to withdraw. An attorney
2 may request withdrawal on the basis of “conduct [that] renders it unreasonably difficult for the
3 lawyer to carry out the representation effectively.” Cal. R. Prof’l Conduct 1.16(b)(4). In light of
4 the irreconcilable differences between Ramey and its client, it will be difficult for Ramey to
5 meaningfully represent Valjakka effectively.

6
7 Civil Local Rule 11-5(a) requires an attorney to obtain leave of court to withdraw from an
8 action following reasonable notice to the client and to all other parties who have appeared in the
9 case. When ruling on a motion to withdraw, courts in this District consider: “(1) the reasons why
10 withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm
11 withdrawal may cause to the administration of justice; and (4) the degree to which withdrawal will
12 delay the resolution of the case.” *Reg’l Med. Ctr. of San Jose v. WH Administrators, Inc.*, No.
13 5:17CV-03357-EJD, 2020 U.S. Dist. LEXIS 110758, at *3 (N.D. Cal. June 24, 2020) (internal
14 quotations and citation omitted). Here, Ramey satisfied Local Rule 11-5(a) by providing Valjakka
15 with written notice regarding this motion, seeking leave of court to withdraw, and providing
16 reasonable notice to Netflix’s attorneys. Furthermore, withdrawal will not prejudice any of the
17 parties, delay adjudication of the case, or harm the administration of justice. A trial date has been
18 set for September 25, 2024. Valjakka will have ample time to obtain substitute counsel by the time
19 this motion has been heard.
20

21 **III. CONCLUSION**

22
23 For the foregoing reasons, Ramey respectfully requests that the Court grant its request to
24 withdraw as counsel for Plaintiff Valjakka in this action.

25 Dated: January 16, 2024

Respectfully submitted,

26 **RAMEY LLP**

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Attorneys for Plaintiff

Lauri Valjakka

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with the client Lauri Valjakka by phone and e-mail that I was seeking to withdraw from this matter on January 12, 2024 and he is opposed to this motion. I further certify that I am sending a copy of the as filed motion to Lauri Valjakka by e-mail. I further certify that I conferred with counsel for Netflix on January 12, 2024 and they are opposed to this motion.

/s/ William P. Ramey, III

William P. Ramey, III

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of January 16, 2024, with a copy of the foregoing via CM/ECF Filing.

/s/ William P. Ramey, III

William P. Ramey, III